

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

2011 AUG 18 P 4:15

CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY NOA
DEPUTY

ADAM A JEDRYCZKA,

Plaintiff,

v.

JP MORGAN CHASE BANK, N.A.
D/B/A CHASE BANK (USA) N.A.,

Defendant.

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CIVIL ACTION NO. _____

SA11CA0690 OG

DEFENDANT'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, Defendant Chase Bank USA, N.A., incorrectly named herein as JP Morgan Chase Bank, N.A. d/b/a Chase Bank (USA) N.A., (both entities are collectively referred to herein as "Chase") hereby files its Notice of Removal of the above-captioned action to this Court and states as follows:

1. Chase is the Defendant in Case No. 2011-CI-08931, filed in the 224th Judicial District Court of Bexar County, Texas (the "State Court Action").

2. The proper party to this lawsuit is Chase Bank USA, N.A., which is a national banking association organized and existing under the laws of the United States, with its principal place of business in Newark, Delaware.

3. The incorrectly-named defendant in this lawsuit is JPMorgan Chase Bank, N.A., which is also a national banking association organized and existing under the laws of the United States, with its principal place of business in Columbus, Ohio.

4. The Plaintiff's Complaint and Jury Request in the State Court Action was filed with the Bexar County District Clerk on May 31, 2011. Chase was served with the Plaintiff's Complaint on July 21, 2011.

5. This Notice is being filed with this Court within thirty (30) days after Chase received a copy of Plaintiff's Complaint setting forth the claims for relief upon which Plaintiff's action is based.

6. In accordance with 28 U.S.C. § 1446(a), a copy of all process, pleadings, orders and other papers filed in the State Court Action are attached hereto as Exhibit A.

Federal Question Jurisdiction

7. The claims for relief alleged against Chase in the State Court Action arise, in part, under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692-1692p. Specifically, Plaintiff alleges that he is a "consumer" as defined by the FDCPA and requests relief, including an award of attorneys fees, pursuant to the FDCPA. *See* Plaintiff's Complaint at Exhibit A. Plaintiff has also issued discovery to Chase requesting information about alleged violations of the FDCPA. *See* Plaintiff's Requests for Discovery to Defendant JP Morgan Chase Bank, N.A. at Exhibit B. Thus, this Court has original subject matter jurisdiction over the above-captioned action pursuant to 28 U.S.C. § 1331. The above-captioned action may properly be removed to this United States District Court pursuant to 28 U.S.C. § 1441(a) and (b).

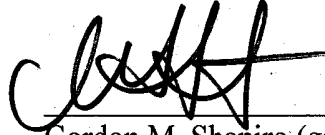
Notice to State Court

8. Promptly after the filing of this Notice of Removal, Defendant shall provide notice of the removal to Plaintiff through his attorney of record in the State Court Action and to the Clerk of the Court in the State Court action, as required by 28 U.S.C. § 1446(d).

Conclusion

The above-named Defendant removes this case to federal court based on federal question jurisdiction, and requests that this Court proceed with this action as if it had originally commenced in this Court and make all orders necessary and appropriate to effectuate this removal.

Respectfully submitted,



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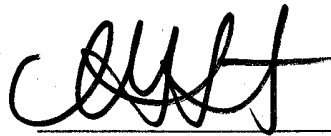
Attorneys for Defendant

CHASE BANK USA, N.A

CERTIFICATE OF SERVICE

This is to certify that on August 18th, 2011, a true and correct copy of the foregoing instrument was served by certified mail, return receipt requested, to the following person(s):

Kimberly F. Soard
3722 Bristleaf Drive
Katy, Texas 77449
Attorney for Plaintiff



Gordon M. Shapiro